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## **An Act To Require Boating Safety Education**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** in order to provide a much needed safety program on boating safety education for all Maine boaters due to the increase in fatal accidents, this issue needs to be addressed as soon as possible for the public good; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §13056, sub-§1-C** is enacted to read:

**1-C. Operating with temporary boating safety certificate.** The commissioner may issue a temporary boating safety certificate registration with the issuance of the identification number and validation stickers.

**Sec. 2. 12 MRSA §13074** is enacted to read:

### **§ 13074. Boating safety**

**1. Requirements.** Unless otherwise provided by personal watercraft safety requirements pursuant to section 13071-A, a person may not operate a noncommercial motorboat or personal watercraft on any waters of the State unless the person:

A. Completes and passes a boating safety course approved by a national association of state boating law administrators or any other course with equivalent standards approved by the commissioner;

B. Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10 (2007) or a marine certificate issued by the Canadian government;

C. Is operating a motorboat or personal watercraft under a supervised program or activity or is being trained by a person qualified under paragraph A or B;

D. In the case of a motorboat, possesses a state-approved nonrenewable temporary boating safety certificate issued by the commissioner pursuant to section 13056, subsection 1-C to operate the motorboat that is valid for 90 days with the certificate of number for the motorboat if the motorboat is new or was sold with a transfer of ownership;

E. Is operating a motorboat or personal watercraft while in possession of a rental or lease agreement from a motorboat rental or leasing business that lists the person as the authorized operator of that motorboat or personal watercraft for a period of not more than 60 days;

F. Demonstrates that the person is not a resident and meets any applicable boating safety requirements and provides proof of training from the state of residency or possesses a Canadian pleasure craft operator's card; or

G. Has assumed operation of the motorboat or personal watercraft due to the illness or physical impairment of the initial operator and is returning the vessel to shore.

**2. Applicability.** This section applies to operators of noncommercial motorboats and personal watercraft as set out in the schedule in this subsection.

A. Beginning June 30, 2011, an operator 20 years of age or younger must meet the requirements of this section.

B. Beginning June 30, 2012, an operator 30 years of age or younger must meet the requirements of this section except as provided in paragraph A.

C. Beginning June 30, 2013, an operator 40 years of age or younger must meet the requirements of this section except as provided in paragraphs A and B.

D. Beginning June 30, 2014, an operator 45 years of age or younger must meet the requirements of this section except as provided in paragraphs A to C.

E. Beginning June 30, 2015, an operator 50 years of age or younger must meet the requirements of this section except as provided in paragraphs A to D.

F. Beginning June 30, 2016, all operators must meet the requirements of this section.

**3. Proof of compliance.** A person who operates a motorboat or personal watercraft on any waters in the State must present evidence, at the request of any law enforcement officer, that the person has complied with this section. A licensed Maine guide may request proof of compliance with this section from that guide's clients or customers.

**4. Violation.** A person who violates this section commits a Class E crime.

**Sec. 3. Program implementation.** The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources shall jointly adopt by rule a boating safety education program for operators of all noncommercial motorboats and personal watercraft. In developing the rules, the commissioner shall consult and coordinate with the boating public, professional organizations for recreational boating safety and the boating business community. The rules may include, but are not limited to, provisions regarding:

1. Compliance;
2. Statewide availability of the approved courses, including through the Internet;

3. The issuance of certificates to document successful course completion;
4. Duplicate certificates and record keeping;
5. Requirements for course providers and instructor certification;
6. Equivalency examination criteria; and
7. The establishment of fees for boating safety courses and certificates, not to exceed the cost of giving instruction for each person participating in and receiving the instruction and testing.

The commissioner shall adopt procedures and create forms to meet the requirements for motorboat rental and leasing businesses and the issuance of temporary boating safety certificate pursuant to the Maine Revised Statutes, Title 12, section 13056, subsection 1-C.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This bill requires boating safety education for all motorboat users and personal watercraft users in the State. It requires full compliance for all users by 2016, but creates a phase-in for implementation by age group.